CONFERENCE ON DISARMAMENT

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FINAL RECORD OF THE FIVE HUNDRED AND FIFTIETH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 10 April 1990, at 10 a.m.

President: Mr. Ahmad Kamal (Pakistan)

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The PRESIDENT: I declare open the 550th plenary meeting of the Conference on Disarmament.

As I am now assuming the responsibilities of President of the Conference on Disarmament, I would like to make the following statement on behalf of the Pakistan delegation.

It is an honour for Pakistan to assume the presidency of the Conference on Disarmament, the most important multilateral disarmament negotiating forum, for the month of April 1990.

The international political climate today is characterized by a marked relaxation of tensions, growing understanding between the super-Powers and progress towards the resolution of regional conflicts. The improved global political situation has raised hopes that significant disarmament measures may be adopted in the near future.

While welcoming the relaxation of tensions between the super-Powers, we would also like to hope that the changed political environment will encourage moves towards regional peace and disarmament. It is necessary that detente and mutual understanding should spread to all regions of the world. It is also essential that the international community should whole-heartedly support and encourage all efforts directed towards regional disarmament, as only in this manner can the equal and undiminished security of all States at the lowest level of armaments be guaranteed.

Pakistan welcomes the progress achieved in East-West arms control. The conclusion of the INF Treaty and the prospects for an agreement on deep cuts in strategic weapons during 1990 are significant steps towards the ultimate goal of nuclear disarmament. Equally significant are the successful conclusion of the Vienna Conference on Security and Co-operation in Europe (CSCE) and the commencement of talks on confidence-building and security-building measures (CSBMs) and conventional armed forces in Europe (CFE).

We welcome talks between the super-Powers and between the two major alliances on disarmament issues. However, we continue to believe that they cannot be a substitute for multilateral negotiations under the aegis of the United Nations, where the vital security interests of the smaller countries would also be taken into account and protected. The Conference on Disarmament provides the most appropriate forum for this purpose. We must make optimum use of this multilateral forum for progress towards meaningful disarmament.

In view of the sea change in threat perceptions following upon the transformation in the international environment, we believe that the Conference on Disarmament must pay special attention to the early conclusion of a comprehensive test-ban treaty and a chemical weapons convention. The Conference on Disarmament must also examine issues which are increasingly engaging the attention of the international community, such as regional disarmament and naval disarmament.

(The President)

As we stand on the threshold of a new era, we must rededicate ourselves to the goal of general and complete disarmament as an important basis for the future structure of international peace and security. We must undertake efforts at both global and regional levels for progress towards this goal.

Disarmament is a necessary condition for the physical survival and the economic and social progress of humanity. It is indeed regrettable that enormous expenditure is incurred annually on armaments while the majority of mankind continues to suffer from grinding poverty.

We would like to urge that material and human resources should be diverted by all countries of the world from military uses towards the amelioration of the existing economic conditions of humanity, particularly in the developing countries. Hopefully the current favourable international climate will lead to the adoption of significant disarmament measures at the global and regional levels, leading to the utilization of the resources thus saved for the progress and prosperity of mankind.

We are convinced of the need to break out of the vicious cycle of insecurity, armaments and underdevelopment. This can be done if we sincerely and faithfully adhere to the United Nations Charter and pursue genuine disarmament which guarantees the security and independence of all States irrespective of their size or political inclinations. Pakistan will continue to work with the international community towards a future free from the threat of war, hunger, poverty and disease.

In accordance with its programme of work, the Conference starts today its consideration of agenda item 8, "Comprehensive programme of disarmament". In conformity with rule 30 of its rules of procedure, however, any member wishing to do so may raise any subject relevant to the work of the Conference.

As decided by the Conference at its 547th plenary meeting, we shall hold today, immediately after this plenary meeting, an informal meeting of the Conference on the substance of agenda item 2, "Cessation of the nuclear arms race and nuclear disarmament".

I have on my list of speakers today the representatives of Austria, Sweden, Yugoslavia, Egypt and the Federal Republic of Germany. I now have pleasure in giving the floor to the representative of Austria, Ambassador Ceska.

Mr. CESKA (Austria): Mr. President, let me start my statement by expressing my satisfaction at seeing you personally in the Chair, and saying that I am particularly pleased to express through you my best wishes to Pakistan for its presidency of the Conference on Disarmament in the month of April. I am sure that this augurs well for the conclusion of this year's spring session of the Conference on Disarmament.

My statement today will not deal with the question of chemical weapons; let me point out, however, that Austria has finalized and will submit to the Conference before the end of the spring session a comprehensive report on an Austrian national trial inspection.

(Mr. Ceska, Austria)

Nuclear weapons were invented several decades ago and have since become a fact of life. Nuclear weapons do exist, and we can therefore not realistically expect a return to the status quo ante. What matters under present conditions, however, is their non-proliferation as well as their gradual reduction. Nuclear weapons always involve risk, even if they are meant as a deterrent only. It is therefore logical to keep the number of countries in possession of nuclear weapons as small as possible. Any further spread would increase the risk and make the world less safe.

On a global strategic scale the deterrent of second strike capability has worked so far, and has indeed been a stabilizing factor. Whether this deterrent has prevented a major military conflict which otherwise would have taken place is an interesting question which nobody can definitely answer. There is no need to do away with this system as long as it cannot be replaced by anything better.

The deterrent of second strike capability and strategic arms reduction do not exclude each other. The concept of second strike capability relies first and foremost on its predictability, in the sense that the other side must be totally certain that a first strike will immediately entail a counterstrike. This, however, does not require the presently existing quantities of nuclear weapons. Indeed, a second strike capability can be maintained at a much lower level. The risk inherent in nuclear weapons is linked not only to the number of States holding such arms, but also to the size of such armouries. Lower levels of nuclear weapons therefore mean lower risk - something the entire world has an interest in.

There is great potential for strategic arms reduction before we are eventually faced with the question of minimum standards, i.e. the levels necessary to preserve credible second strike capabilities. The conclusion of a START agreement on a 50 per cent reduction in strategic nuclear forces would certainly not undermine the system of second strike capability, but at the same time it would considerably reduce risk - the risk involved with any given quantity of nuclear weapons - as well as costs.

In Europe we are confronted with a somewhat different situation. The INF Treaty has fundamentally downgraded the potential of nuclear escalation by doing away entirely with its land-based intermediate nuclear forces dimension. What remains are short-range nuclear forces, but even they might gradually become less important with changing military doctrines when, at the same time, they become less acceptable for the countries concerned in view of the encouraging political and economic developments under way in the region. We therefore have reason to be optimistic.

As a neutral country, Austria is particularly concerned about nuclear weapons whose effects can easily spill over into territories not involved in a military conflict. Austria therefore attaches great importance to, and takes a legitimate interest in, nuclear disarmament on a global scale, and, given the country's location in the centre of Europe, in the European region especially. We encourage the countries concerned to vigorously pursue these efforts regarding nuclear disarmament and thereby make the world a safer place. In this context, Austria would particularly welcome a treaty on the elimination of land-based short-range nuclear missiles and nuclear artillery.

(Mr. Ceska, Austria)

Addressing more specifically the question of the non-proliferation of nuclear weapons, let me turn to the forthcoming Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to be held in Geneva from 20 August to 14 September this year. This review conference will once again provide an opportunity to evaluate the implementation of the Treaty.

It is certainly correct to state that all countries have benefited from the existence of the Treaty. This should in turn reinforce the case for its further strengthening. The treaty has not only prevented a general spread of nuclear weapons, but has also greatly facilitated co-operation in the field of the peaceful use of nuclear energy. In this respect, a tribute has to be paid to the work carried out by the International Atomic Energy Agency in Vienna and its safeguards system.

With regard to the extension of the Treaty beyond the year 1995, Austria - I can refer here to the statement of the Federal Minister for Foreign Affairs, Mr. Alois Mock, on 6 February 1990 before this Conference - is in favour of such an agreement being reached well before 1995. This would allow a much clearer picture as to the need to hold two conferences, namely one regular review conference and one conference on the extension of the Treaty in 1995. In this context again, let me stress that Austria fully subscribes to the legal view that the Treaty will not under any circumstances expire after 1995.

Austria attaches considerable importance to a comprehensive nuclear test-ban treaty. Austria's participation, since 1979, in the work of the Ad hoc Group of Seismic Experts entrusted with the task of preparing a feasible verification system for a comprehensive nuclear test-ban treaty is a clear reflection of its interest in working for a rapid solution of all outstanding technical questions involved. Austria is aware of the significance of the current working phase, and will do its utmost to further enhance its contribution in this field. However, as the elaboration of a comprehensive verification system should constitute a conditio sine qua non for the conclusion of such a treaty, this will probably take additional time. In this context let me say that, after over 20 years of listening to arguments explaining why comprehensive and satisfactory verification does not seem to be feasible, we are very satisfied to find ourselves in a position to state today that it is in fact feasible.

Financial arguments do not seem to stand in the way of verifying a comprehensive nuclear test-ban treaty, since one year of operating a comprehensive verification system in its form as currently envisaged would only cost the equivalent of one nuclear weapon test. Therefore, we expect the nuclear-weapon States to make provision for the necessary financial contributions for the world-wide installation of such a verification system as a first and most logical expression of the "peace dividend".

As far as the outstanding technical questions are concerned, we hope that the envisaged work programme for phases 2 and 3 of the practical test in 1990 and 1991 will lead to final conclusions. In this regard, the participation of as large a number of States as possible seems to be of the utmost importance for raising global awareness and eventually facilitating the world-wide implementation of such a verification system.

(Mr. Ceska, Austria)

As far as the initiative aiming at the conclusion of a comprehensive nuclear test-ban régime by amending the partial nuclear test-ban Treaty is concerned, let me state that Austria does not consider the forthcoming amendment conference an adequate means to achieve this goal. In particular, the amendment of an existing treaty prior to final solution of outstanding technical as well as political problems cannot be regarded as a feasible option.

The concept of legally binding assurances given by nuclear-weapon States not to use or threaten to use nuclear weapons against non-nuclear-weapon States can, it would seem to us, never really serve its purpose. In a politically stable international environment, there would probably be no need for such assurances, whereas in the event of international crises, even legally binding assurances would not give adequate protection, unless nuclear weapons were under international control. Additional problems are related to definitions of terms such as "nuclear-weapon State", and to a feasible verification régime. Therefore, real progress, let alone the conclusion of a legally binding instrument, is not to be expected for the near future.

Regarding the prohibition of radiological weapons, it is tempting to conclude that the initial expectations of easy negotiations in this respect have proved to be unrealistic. Therefore, the finalization of legally binding instruments is beyond reach, at least in the short term. The prohibition of radiological weapons in the narrow sense involves difficulties since, according to common understanding, such weapons are not in existence yet. The problem of verifying such non-existent weapons seems to go beyond feasible solutions. The prohibition of attacks on nuclear facilities used for peaceful purposes raises similar problems, at least in its current methodological approach. Only the prohibition of attacks on any nuclear installation would, in our view, lead to satisfactory solutions. Distinctions between criteria of definition, such as use for military purposes or military headquarters, would, however, not allow adequate verification.

Let me conclude these remarks on a more general note. What we have first and foremost in mind in disarmament talks, in particular in multilateral forums like this Conference, is to further strengthen stability in a still antagonistic environment. The current forces of change at work give reason to be optimistic - probably more than ever before in the post-war era - and to hope that systemic antagonism can gradually be overcome. If we can all subscribe to common ideals, commit ourselves to a world-wide division of labour and thereby accept the consequent economic interdependence, there will be less cause for conflict and the world as a whole will be better off. Disarmament should then be just a matter of course.

The PRESIDENT: I thank the representative of Austria, Ambassador Ceska, for his statement and for the kind words he addressed to the Chair. I now give the floor to the representative of Sweden, Ambassador Hyltenius.

Mr. HYLTENIUS (Sweden): Mr. President, let me first say how pleased my delegation is at seeing you presiding over the Conference. You represent a country which plays an important role in the Conference and in the Group of 21, to which both Sweden and Pakistan have belonged for many years. You have also personally taken a very active part in the work on the many vital

(Mr. Ryltenius, Sweden)

matters before us, and I am convinced that with your well-known skill, experience and dedication to this work, we shall make further substantive progress during your presidency. I should also like to express the gratitude of my delegation to your predecessor, Ambassador Azikiwe of Nigeria, and to congratulate him on the very successful manner in which he guided the Conference during the month of March.

The nuclear issues are priority items for this Conference. In my intervention today I will concentrate on these items on our agenda, including radiological weapons and negative security assurances. I will also take the opportunity to touch upon the forthcoming fourth review conference of the non-proliferation Treaty.

The repeated calls for an urgent comprehensive test-ban treaty by the vast majority of the Member States of the United Nations General Assembly constitute authoritative support for the work of the Conference on Disarmament on a CTBT. My delegation notes with satisfaction that the efforts carried out last year by Ambassador Yamada of Japan, and continued this year by his successor, Ambassador Donowaki, have created better conditions for a dialogue on the issue of a mandate for an ad hoc committee on a nuclear test ban. I hope that there will be enough flexibility in the Conference to agree on a reasonably balanced mandate, allowing us, at last, to get down to business on a CTBT. An ad hoc committee should be established without further delay.

Already in the 1963 partial test-ban Treaty the nuclear-weapon States parties to the Treaty expressed their determination to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time. The initiative to try to advance the issue through an amendment conference, with the aim of transforming the Treaty into a comprehensive test-ban treaty, is an expression of the frustration over the lack of results on this issue in the Conference on Disarmament.

The Soviet Union and the United States are about to reach agreement on verification arrangements for their bilateral threshold test-ban Treaty and peaceful nuclear explosions Treaty. Thresholds of 150 kilotons do not impose meaningful limitations on nuclear testing. If linked to the early conclusion of a comprehensive test-ban treaty, a lowering of the threshold to yields below one kiloton would be a significant advancement towards such a treaty. In such a context, agreed reductions in existing nuclear-weapon stockpiles would be truly effective.

On the important issue of verifying a nuclear test-ban treaty, considerable progress has been achieved. The ad hoc Group of Scientific Experts has, through close international co-operation, developed a global seismic verification system. A modern design of this system is now being tested. The experiment is proceeding successfully, but there is a need for increased participation in the test in order to achieve a more global distribution of seismic stations. In fact, many countries have technical facilities making it possible for them to participate in this global experiment. It is important that more States should take the necessary political decision allowing for broader participation. This would effectively contribute to the development of a global seismic verification system.

(Mr. Hyltenius, Sweden)

Among other verification measures for a comprehensive test-ban treaty, the monitoring of atmospheric radioactivity may be mentioned. It has on a number of occasions been discussed in the Conference on Disarmament, and Sweden has proposed that a global system should be established for this purpose. On-site and in-country monitoring stations, as well as satellite-based surveillance systems, can also play an important part in verifying a comprehensive test-ban treaty.

On the basis of an extended mandate, the Ad hoc Group of Scientific Experts should start deliberations on these verification techniques too, drawing on the experience developed over a long period of time in this Group.

After this plenary meeting the Conference will have occasion to deliberate in an informal plenary meeting on agenda item 2, "Cessation of the nuclear arms race and nuclear disarmament". The convening of informal plenary meetings is the result of successful consultations carried out by Ambassador Azikiwe of Nigeria as President of the Conference during the month of March. Item 3 on our agenda "Prevention of nuclear war, including all related matters", will be subject to consideration in the same format later on. The Swedish delegation welcomes this opportunity to discuss these matters, and hopes that ad hoc committees will be established for continued work at next year's session of the Conference.

My delegation has proposed that considerations under agenda item 2 should include the issue of naval nuclear armaments and disarmament. Naval nuclear weapons, integrated as they are in overall military defence structures, should not be excluded, as they have largely been, from considerations on nuclear disarmament. More than one nuclear weapon in four in existence is earmarked for deployment at sea.

There is widespread concern over the risks related to nuclear weapons at sea in the context of unintentional nuclear war. My delegation is of the opinion that this question should be considered under agenda item 3. Under this agenda item questions covering increased openness, transparency and confidence-building measures in nuclear matters should be dealt with. Sweden has proposed that the issue of a multilateral agreement on the prevention of incidents at sea should be taken up in this context, as such incidents may play an ominous role in escalation into a nuclear war.

Another subject which, in the view of my delegation, should be considered at the informal plenary meetings under agenda item 3 is the question of prohibiting the use of nuclear weapons. This would seem to correspond to an emerging international norm against the use of nuclear weapons. The declaration by the two major nuclear-weapon States that a nuclear war must never be fought supports a process of de-legitimization of nuclear weapons. My delegation considers that the time is ripe to explore the possibilities of comprehensively banning the use of nuclear weapons, in an appropriate, legally binding form.

Means to enhance the security of the non-nuclear-weapon States have been discussed throughout the genesis and the existence of the non-proliferation

(Mr. Ryltenius, Sweden)

The Swedish Government attaches great importance to the future viability of the non-proliferation regime. In its view, the fourth review conference regarding the non-proliferation Treaty stands out as a major event. With the third meeting of the Preparatory Committee for the NPT review conference taking place at the end of this month we are now entering the final phase of the preparatory work. Up to now the preparations have been running smoothly. Organizational matters have to a large extent been settled, and valuable background documents have been produced and discussed. It is my belief that

(Mr. Hyltenius, Sweden)

The NPT is not yet a universal treaty. Although new States have successively joined, thus reinforcing the Treaty, some important States with unsafeguarded nuclear facilities have hitherto rejected adherence. Two nuclear-weapon States are also still missing from the ranks of NPT States parties. The credibility of the non-proliferation régime continues to be threatened.

The contribution of the NPT to world security and stability has often been evoked. In a period of drastic and rapid political change, with promising developments in many parts of the world, the Treaty as a positive element of stability plays an increasingly important role. Therefore, the NPT should be maintained and reinforced. The positive decision to renounce nuclear weapons contributes, in the view of my delegation, to strengthening the security of each individual State choosing this option. Sweden's decision to this effect and its subsequent adherence to the NPT were based on the assessment that its security would be best served without nuclear weapons. As the then Swedish Prime Minister expressed it: "That which should be our protection could equally well be transformed into the greatest threat to our neutrality and our peace". Sweden reiterates its call to all States that have not yet done so to adhere to the NPT - one of the most important post-war treaties in the field of disarmament, with more than 140 parties.

As long as nuclear weapons exist they pose a threat to the very existence of mankind. Their destructive power surpasses imagination. States with the power to decide about the use of nuclear weapons - as well as those who may plan to acquire such weapons - are not only gambling with the survival of their own countries; they are also putting in jeopardy the lives of us all. It must be perfectly clear that they have a responsibility to us - the have-nots - too. Three of the nuclear-weapon States are parties to the NPT. They have undertaken to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament. Have these undertakings been fulfilled?

An important agreement, the INF Treaty, was reached between the Soviet Union and the United States a few years ago. An agreement on reducing their arsenals of strategic weapons will hopefully emerge soon. Sweden welcomes these efforts. But, as was pointed out by the Director-General of IAEA here in Geneva not long ago, there are more nuclear warheads in the world today than in 1968, when the NPT and its article VI were agreed.

All avenues should be explored in order to find new ways to reduce the nuclear weapon arsenals. In parallel, one measure of both practical and symbolic significance of the highest order would be the establishment here in the CD of an ad hoc committee on a comprehensive test-ban treaty. Sweden has further proposed to the General Conference of IAEA that all transfers of weapons material to peaceful use should be verified through the application of Agency safeguards. If the nuclear material cannot immediately be used within peaceful programmes, the Agency's statute provides an instrument for storage under its custody.

(Mr. Ryttenius, Sweden)

Similarly, all production of new nuclear materials for military purposes must cease. This idea is not new. From 1956 to 1969 the United States repeatedly proposed such a "cut-off". A United Nations General Assembly resolution on this issue sponsored by a large number of States has been adopted with an overwhelming majority for many years. If an undertaking to discontinue such production is to be credible it must be verifiable through inspection and constant surveillance. A pre-condition for a verifiable "cut-off" is a separation in the nuclear-weapon States of peaceful and military nuclear activities, whereby IAEA safeguards should be applied to all peaceful nuclear activities without exception. Sweden therefore urges all nuclear-weapon States to take measures to this effect.

The nuclear issues concern all the members of this Conference, and to each all members of the international community. They cover a broad spectrum of our agenda. It is high time that they were addressed in earnest, if this Conference is to live up to its role as the single multilateral disarmament negotiating forum. There are many ideas on how to improve the functioning of this body, and my delegation intends to revert to that matter in due course. However, no procedural or organizational improvements can compensate for the fact that it is the lack of political will to negotiate on some of the most pressing items of our agenda that is the real problem of this Conference.

The PRESIDENT: I thank the representative of Sweden, Ambassador Ryttenius, for his very comprehensive statement and for the kind remarks he addressed to the Chair. I now give the floor to the representative of Yugoslavia, Ambassador Kosin.

Mr. KOSIN (Yugoslavia): Mr. President, let me say first how pleased my delegation is at seeing you, the distinguished representative of friendly Nigeria, presiding over our Conference for the month of April. I am certain that under your able stewardship our work will be fruitful. Allow me also to take this occasion to congratulate your predecessor, the Ambassador of Algeria, His Excellency Mr. Ennaka Ago Aziakpe, on his excellent performance and formidable efforts in organizing our deliberations.

At today's session of the Conference on Disarmament I would like to present document CD/982 on the national trial inspection conducted in my country in the month of February this year.

Ever since the beginning of the negotiations on the prohibition of the use of chemical weapons, Yugoslavia has supported all the proposals related to verification measures. We are of the opinion that a verification system has to be efficient and cost-effective on the one hand, and on the other should include a well-balanced set of verification measures and should safeguard the sovereignty of all parties to the convention. The work to date within the Ad hoc Committee gives reason for optimism that these requirements will be met.

The Socialist Federal Republic of Yugoslavia neither produces nor possesses chemical weapons. However, we consider that last year's national trial inspection activity, which is being continued this year too, represents, as has been pointed out several times at the Conference, an important step in creating confidence among the parties to the convention and creating pre-conditions for multilateral inspection.

(Mr. Kosin, Yugoslavia)

As early as 1984, in document CD/482, Yugoslavia submitted a proposal on the scope of national verification, and the role, tasks and composition of the national team. Document CD/613 of 10 July 1985 contains a proposal whereby large-scale chemical industry production facilities should be subject to national verification measures. Many countries have already indicated, through their national trial inspections, possible solutions to problems resulting from such procedures. They have shown that the task is not an easy one, and that it requires a clear definition of the volume of work to be done, the tasks of each member of the inspection team and the role of the facility representatives, which can be a very useful one in dealing with and defining complex operations.

Against the background of experience with numerous national trial inspections, we organized a routine inspection of a plant for the production of chemicals declared under schedule [3] of the annex to article VI of the draft convention, as we do not produce chemicals listed under schedule [2]. A national trial inspection was organized to check that the facility was not being used to produce any chemicals other than the declared ones, and that the quantity produced was equal to the quantity declared. The inspection also checked the applicability of the relevant provisions of the draft convention.

The facility concerned is part of the PIB company - Industry of Basic Chemistry, Baric-Beograd - which produces organic chemicals. The chemical which was the object of our inspection was phosgene, listed under schedule [3]. The trial inspection was conducted in two phases. First, on its initial visit, the inspection team toured the facility to get acquainted with the production programme. The initial visit took two days, after which the details of the inspection were agreed upon. The second phase of the trial inspection was conducted in one day; the actual procedure of the inspection did not interfere with the normal operations of the facility. This phase was followed by the preparation of the report of the inspection team.

Both on its initial visit and during the routine inspection, the inspection team was composed of five members. The team included a chemical engineer (team leader) and a specialist in physical and chemical methods of analysis, both of them representatives of research institutes. In addition, the routine on-site inspection was attended by representatives of the Federal Secretariat for Foreign Affairs, the Federal Secretariat for National Defence and the Secretariat for the Chemical Industry in the Chamber of Economy.

The main conclusion of the inspectors on the basis of the information presented was that the characteristics of the facility corresponded to the standard features for the continuous production of phosgene. They concluded that a quantitative inspection of the process can be conducted either on the basis of the automatic records of raw materials and products (material balance), or on the basis of the inspection of technological parameters, also automatically recorded.

As it is specifically designed for the production of phosgene, the facility is not multi-purpose, and it is therefore doubtful whether such a facility can produce any other chemicals listed either under schedule [3] or under schedules [1] and [2]. In addition, several conclusions were drawn. A number of basic requirements have to be fulfilled for the inspection to be

(Mr. Kusin, Yugoslavia)

The PRESIDENT: I thank the representative of Yugoslavia, Ambassador Kusin, for his important statement and for the kind words he addressed to the Chair. I now give the floor to the representative of Egypt, Ambassador Elaraby.

Mr. ELARABY (Egypt): Mr. President, it is a source of great pleasure for my delegation to see you presiding over the Conference on Disarmament and to take the floor, once more, during the presidency of Pakistan. Your wide experience and your diplomatic skills are well known to all of us, and I am confident that these skills will help steer our deliberations in the spring session to a successful conclusion.

The subject of my intervention today is agenda item 5 "Prevention of an arms race in outer space". Since 1982 the Conference on Disarmament has had this important subject before it. In 1985, an agreement was reached on a mandate which made the establishment of a subsidiary body to deal with this subject possible. That mandate, however, fell short of our expectations. Nevertheless, we accepted such a non-negotiating mandate in the hope that, by allowing the Ad hoc Committee to work, we could generate a growing momentum

(Mr. Elaraby, Egypt)

commensurate with the well-deserved importance accorded to the item. Instead, we have witnessed throughout the last few years deliberate attempts to weaken the work of the Ad hoc Committee and prevent it from attaining any form of progress, meaningful or otherwise.

Annually, the Ad hoc Committee on the Prevention of an Arms Race in Outer Space becomes the last subsidiary body to be established by the Conference on Disarmament. Such an imbalance must be avoided, and the Ad hoc Committee should be established early in the session in order to allow a structured and candid discussion on all related matters.

Outer space is the common heritage of mankind and carries hope for future generations. Substantive and serious work must be allowed to take place in the Ad hoc Committee. General Assembly resolution 44/112 requested the Conference on Disarmament, in paragraph 7, to intensify its consideration of the question of the prevention of an arms race in outer space in all its aspects, taking into account relevant proposals and initiatives, including those presented in the Ad hoc Committee at the 1989 session of the Conference and at the forty-fourth session of the General Assembly.

It is an established fact that United Nations activities are anchored on the concept of the exploration of outer space for the benefit and in the interest of all States. In other words the concept of declaring outer space as the common heritage of mankind, and not subject to national appropriation, has been universally accepted since 1967. It is also conventional wisdom that the common interest of all mankind requires that the progress in the exploration and use of outer space be confined to peaceful purposes.

The 1967 outer space Treaty, which is universally considered as the primary and most authoritative source of international law regulating State activities in outer space, remains at the heart of the legal regime governing outer space. Before any attempt at analysing some of its relevant provisions, a few brief points should be noted. First, the 1967 outer space Treaty is a by-product of 1960s space technology. We are now at the threshold of the twenty-first century. Second, the pace and volume of technological developments since its adoption has been staggering. What was considered science fiction in the 1960s has already been attained or will soon be within our reach. Third, legal norms as a general rule should not be allowed to lag far behind technology.

The article in the Treaty relevant to our present discussion is article IV, which stipulates that parties should not "place in orbit around the Earth any objects carrying nuclear weapons or any other kind of weapons of mass destruction, install such weapons on celestial bodies, or station such weapons in outer space in any other manner". The article goes on to state that "the Moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes".

Here I would like to pause and present the following comments. First, article IV clearly contains a built-in limitation. Its scope does not extend to banning all types of weapons in outer space. It prohibits, inter alia, the placing, installing or stationing of nuclear weapons and other weapons of mass destruction only. Its provisions do not therefore contain a clear-cut

(Mr. Elaraby, Egypt)

injunction to ensure that outer space is used exclusively for peaceful purposes. The principle of exclusive use for peaceful purposes applies only to the Moon and other celestial bodies. The only restriction placed on States parties pertains to the prohibition of the establishment of military bases, installations and fortifications, the testing of any type of weapon and the conduct of military manoeuvres on celestial bodies. What this means is that there is an inherent contradiction in the same article of the Treaty, thereby creating, as a result, not one but two legal régimes; one applicable to outer space and the other confined to the Moon and other celestial bodies.

A 1987 study prepared by UNIDIR accurately defined the present situation as follows:

"Different rules are established for outer space proper, on the one hand, and for the Moon and other celestial bodies, on the other. In the first case, what is involved is only a limited prohibition which, for example, does not prohibit the placing in orbit of non-nuclear ASAT or anti-missile weapons. In the second case, exclusive use for peaceful purposes entails more substantial restrictions, without necessarily going as far as total demilitarization. Because of its limited scope, the outer space Treaty left open the possibility of the introduction of weapons in space, other than nuclear weapons or other weapons of mass destruction, in particular ASAT weapons and space-based AVM systems."

From another perspective, several interpretations of the term "peaceful purposes" have been advanced. Peaceful purposes may mean "non-military" or "non-aggressive". As far as my delegation is concerned, a total ban on all non-peaceful uses of outer space should be our ultimate objective. Many delegations expressed similar views when the outer space Treaty was adopted by the General Assembly in December 1966. Egypt has consistently advocated this view.

Before concluding this point I would like to address one further aspect, namely that of offensive in contrast to defensive uses of outer space. Some States argue that defensive militarization of outer space is permissible. It is the considered view of my delegation that the provisions of the United Nations Charter and the contemporary rules of international law pertaining to outer space do not bear out this argument, for several reasons. Firstly, the Charter of the United Nations does not deal, as such, with the definition of what is defensive or offensive. The Charter prohibits the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes and principles of the United Nations. Secondly, the Charter recognizes the right of legitimate self-defence if an armed attack occurs, a fact also endorsed by rules of customary international law. Thirdly, the major difference between outer space and terrestrial space emanates from the special nature of outer space as the common heritage of mankind. A State has an inalienable sovereign right to use its territory for military purposes in accordance with the relevant provisions of the United Nations Charter. Outer space, however, is not part of the territory of any State and cannot be subject to the exercise of national jurisdiction. It follows that States should refrain from militarizing what belongs to mankind as a whole.

(Mr. Elaraby, Egypt)

Even if we assume, for the sake of argument, that ambiguity surrounds the concepts of offensive versus defensive uses of outer space, this should not become a licence for States to increase military activities in outer space in a manner inconsistent with the principle of preserving space for peaceful purposes and preventing an arms race from occurring in outer space.

It is for these reasons that my delegation attaches great importance to the deliberations of, and the work conducted in, the Ad hoc Committee on the Prevention of an Arms Race in Outer Space. It is therefore essential that the Committee should enter into substantive discussions on ways and means of preventing an arms race in outer space by elaborating on the existing proposals and future initiatives, with a view to arriving at concrete recommendations. The procedural wrangle that delays our work every year should not be allowed to continue.

Canada has always played a most constructive role on outer space matters, and my delegation would like to assure Ambassador Shannon of Canada, Chairman of the Ad hoc Committee on the Prevention of an Arms Race in Outer Space, of our full co-operation and wish him success in his endeavours.

The PRESIDENT: I thank the representative of Egypt, Ambassador Elaraby, for his important statement and for the kind words he addressed to me personally. I now give the floor to the representative of the Federal Republic of Germany, Mr. Lüdeking.

Mr. LÜDEKING (Federal Republic of Germany): Mr. President, let me first of all congratulate you on taking up the presidency for the month of April. My delegation is satisfied to see you in the Chair presiding over the Conference during this month. At the same time, I wish to express my delegation's gratitude to your predecessor, Ambassador Azikiwe of Nigeria, for the effective way in which he conducted the work of the Conference during the month of March.

The issue of verification of compliance is of crucial importance in our negotiations on a comprehensive global convention banning chemical weapons. And we knew from the outset that this issue would be one of the most difficult to resolve. Following intensive negotiations over the past years, a coherent verification system has been elaborated designed to reliably assure all States parties that the provisions of the convention are being complied with. This well-developed system consists of three basic elements: verification of declared CW stocks and production facilities, as well as their destruction; verification of non-production of chemical weapons, i.e. the monitoring of relevant non-prohibited activities in the chemical industry; and clarification and verification procedures in case of ambiguous situations and doubts about compliance. The conceptual approach underlying this verification system is sound. Last year's discussions on the pattern of verification testified to that. They also demonstrated that this approach is broadly accepted and considered to provide the basis for reliable and effective verification.

Last year's discussions in the Ad hoc Committee on Chemical Weapons also focused on possible additional verification measures which are to supplement the existing ones already provided for in our "rolling text". As early as January 1988 my delegation put forward a proposal for ad hoc checks, a

(Mr. Lüdeking, Federal Republic of Germany)

verification measure designed to complement the existing routine measures for the verification of non-production. We did so in an attempt to meet concerns expressed about the ease with which chemical weapons can be produced clandestinely in the chemical industry.

Ad hoc checks were designed to provide for a flexible, easily implementable and unintrusive means of verification at the disposal of the Technical Secretariat covering all facilities in the chemical industry which can be misused for the production of chemical weapons. Following our initial proposal, which was subsequently further developed in the course of the discussions (cf. CD/869 of 6 September 1988), other suggestions for strengthening the existing verification system have been put forward. In this regard I would like to mention specifically the very interesting and important proposal by the United Kingdom on ad hoc inspections.

The proposals which were put forward differed in their conceptual approach. However, the concerns which lay behind them were basically the same. The discussions on ad hoc verification, although they have not yet been conclusive, have contributed to greater awareness of the verification problem to be addressed by ad hoc verification. We welcome the determination of the Chairman of the Ad hoc Committee on Chemical Weapons, Ambassador Hyltenius, to press for an early solution to this still outstanding problem in our negotiations.

In yesterday's meeting of the Ad hoc Committee on Chemical Weapons Australia presented a discussion paper which suggests an approach to ad hoc verification, which combines elements of the proposals of both the United Kingdom delegation and my delegation. This new proposal might provide a basis for our future discussions on the subject. It might also contribute to finding a solution to the issue of ad hoc verification acceptable to all. My delegation looks forward to in-depth consideration of the issue of ad hoc verification in the coming weeks. The proposal submitted yesterday by Australia provides an outline, which will have to be further fleshed out.

Since the extensive discussions undertaken in the course of the spring part of last year's session, my delegation has further explored the issue of national registers with a view to providing a manageable and effective solution. Our results are contained in a working paper, advance copies of which have been distributed this morning. In my statement today I have no intention of further discussing the concept of national registers suggested in our paper. Let me, however, just point out that in our view national registers are an indispensable element of any routine ad hoc verification mechanism as they would provide the necessary binding declaration basis. As such they would provide a comprehensive picture of the relevant parts of the chemical industry, listing all plant sites which can possibly be misused for the production of chemical weapons. In devising our approach for the establishment of national registers it was not only our aim to meet this objective. We also took account of the requirement that the approach must be feasible and easily implementable by States parties. In addition it had to be ensured that confidential information is protected. It is my hope that our proposal provides a good working basis. My delegation is looking forward to discussing it in detail during forthcoming meetings on the subject within the Ad hoc Committee on Chemical Weapons.

(Mr. Lüdeking, Federal Republic of Germany)

My delegation presented its views on challenge inspections in some detail in a statement earlier this session. On that occasion we were also able to present a report on our first trial challenge inspection in a military facility. Today I would like to introduce the report on our second trial challenge inspection. The report has been distributed this morning as document CD/983. This trial challenge inspection, again conducted in a military facility, was intended in particular to provide practical experience with inspection methods and equipment. The results are encouraging: we were able to conclude that portable testing and analysis equipment already available can be put to effective use in a challenge inspection. We hope that our findings will be of help in the further consideration of the issue of challenge inspections. We are continuing our series of trial challenge inspections. And we will continue to report on the practical experience we gain through them to the Conference on Disarmament.

With a view to promoting progress in our chemical weapons negotiations my Government intends to hold a workshop devoted to verification issues on 14 and 15 June this year in Munster, located between Hamburg and Hanover in Lower Saxony. The workshop is to focus on technical aspects of verification, in particular the use of instruments and equipment. The inspection equipment which was successfully employed in our trial challenge inspection, and on which details are contained in the report I have submitted today, will be demonstrated. In addition, the workshop will provide an opportunity to get acquainted with procedures for the safe and environmentally sound destruction of chemical weapons employed at the Federal Armed Forces' destruction plant in Munster for eliminating old stocks of chemical weapons that were found after the first and second world wars.

On behalf of my Government, I have pleasure in inviting all heads of delegation of CD members as well as interested observer States to attend this workshop. In addition to the heads of delegation one further member from each delegation is invited to attend. The Government of the Federal Republic of Germany will provide transport by special aircraft. It will also provide hotel accommodation and meals. It is planned that the aeroplane provided by the Federal Government will depart from Geneva on the morning of 14 June. The arrival of the return flight in Geneva is scheduled for approximately 5.30 p.m. on 15 June 1990. A written invitation with further details on the programme of the workshop will be provided as soon as possible. To be able to make the necessary arrangements for the workshop we would appreciate it if each delegation could inform us by 23 April 1990 whether it will participate in the workshop and, if so, who will be attending.

The PRESIDENT: I thank the representative of the Federal Republic of Germany for his statement and for the generous announcement regarding the workshop in Munster, and also for the kind words he addressed to the Chair. That concludes my list of speakers today. Does any other member wish to take the floor at this stage? Since that does not seem to be the case I should like to recall that, at the plenary meeting of the Conference to be held on Thursday 12 April, we shall take up the recommendations contained in paragraphs 9 and 13 of the progress report of the Ad hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events, as contained in document CD/981.

(The President)

The Chairman of the Ad hoc Committee on the Prevention of an Arms Race in Outer Space, Ambassador Shannon of Canada, informs me that he is to hold open-ended consultations with the group co-ordinators and the representatives of any other interested delegations following the meeting of the Ad hoc Committee this afternoon. Those consultations will take place in room C.108, next to the Council Chamber.

As announced earlier, the Conference will hold an informal meeting on the substance of agenda item 2, five minutes after the conclusion of this plenary meeting.

As there seems to be no other business for today, I now intend to adjourn this plenary meeting. The next plenary meeting of the Conference on Disarmament will be held on Thursday, 12 April, at 10 a.m.

The meeting rose at 11.35 a.m.